

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2017 JAN 20 PM 1:35

STEPHAN HARRIS, CLERK
CHEYENNE

United States District Court

District of Wyoming

Rogelio Rodriguez Jr

Plaintiff(s)

(In the space above enter the full name(s) of the plaintiff(s). If you cannot fit the names of all of the plaintiffs in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names),

v. (-against-)

Park County Detention Center

Sargent Harris (Don't know first name)

Defendant(s)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Case No.

17-cv-14-S

(To be filled out by Clerk's

Office only)

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (*state, county, or municipal defendants*)
- ☐ *Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)*

PLAINTIFF INFORMATION

Rodriguez Rogelio Jr

Name (Last, First, MI)

Aliases

Prisoner ID #

Park County Detention Center Cody Wyoming

Place of Detention

Institutional Address

Cody Wyoming 82414
 County, City State Zip Code

PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ *Pretrial detainee*
☐ *Civilly committed detainee*
☐ *Immigration detainee*
☐ *Convicted and sentenced state prisoner*
☐ *Convicted and sentenced federal prisoner*

DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper using the same format for any additional defendants.

Defendant 1: Sargent Harris (Don't know first Name)
 Name (Last, First)
Deputy Sargent
 Current Job Title
Park County Detention Center 1402 RiverView Drive
 Current Work Address
Cody Wyoming 82414
 County, City State Zip Code

Defendant 2: Park County Detention Center
 Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Zip Code

Zip Code

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State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you

FACTS:

What happened to you?

2017
On Monday January 9th. Park County Detention Center inmate Rules and Regulations. Bible Study AA, and other provided Programs are provided for your well being, notify the tower Deputy via a miscellaneous request form by 9:00. I used the proper channels provided and signed up. You may not be able to attend certain programs if there are no contact orders between you and another inmate in the facility that may also want to attend the same program: Mr Willie Ayers a CI in my case Criminal Case NO 5709 testifying against me in Court for a Delivery Charge Schedual 2. Was allowed to attend the same group. An altercation occured, I got a simple assault charge and 23/1 seven days lock down

Who did what?

2017
On January 9th 3:00 pm I signed up for Bible study notifying the tower Deputy Richmond via miscellaneous request form. January 9th 2020 pm tower Deputy

Patford notified me via intercom to get ready for Bible study. Depending and thinking I was clear I went to Bible study. Deputy Patford popped open D1 door in the Hallway I was met by Deputy Harper and Deputy Corr who let me in the class room door to attend the group I signed up for. I noticed attending the same program was Mr Willie Ayers a CI in my Delivery case testifying against me a no contact order or Keep away.

Was anyone else involved?

on January 10th 2017 I go to court for a simple Battery Deputy Corr wrote a citation I appeared in front of the Judge in Circuit Court Honorable Judge Bruce B Waters I pleaded not guilty he gave me a \$1,000 bond asked me if I had anything to say. I stated that Mr Wille Ayers was a no contact or a Keep away and we wernt supposed to be in the same room or group. Judge Bruce Waters told me that no contact orders can be in the same room but can not speak to each other. Transcripts and Audio of that court appearance prove my claim. Docket NO. CT-2017-67-COD In Circuit Court Bruce Waters Put a no contact for my

Delivery Charge Docket NO CR-2016-230-COD

Same Case go bounded over to District also had a no contact put on by Judge Steven Cranfill Docket N5709.

Pro Se Civil Rights Complaint

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Witness at Bible study group

STATEMENT OF CLAIM TWO

Place(s) of occurrence: Park County Detention Center Cody Wyoming

Date(s) of occurrence: Wednesday January 11th

State which of your federal constitutional or federal statutory rights have been violated:

My civil rights Bivens 28 U.S.C. § 1331. Discrimination Harassment, threat,

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What happened to you?

(Don't know Sargents First NAME)?

Wednesday January 11th Sargent Harris and Deputy Toohey came to D1 unit to serve dinner Sargent Harris approached D3 cell where I am lock down 23/1 upset over a grievance I wrote towards her following the rules and Regulations. Sargent Harris in a rude unprofessional voice yelled at me for writing the grievance. She yelled "I'm not a mind reader how am I supposed to know your indigent" "I got something on you" "you're the one in orange I get to go home" "I could punch you" "PEACE OUT!" causing me stress, Anxiety, and Depression I filled out a none emergency medical request stating my issue and requesting medical attention on January 13 on medical solution. I have yet to get an answer

Who did what?

(I don't know Sargent Harris first name)?

Sargent Harris, Harassed, discriminated, threatened, Humiliated, me in front of Deputy Toohey and inmates in D1 unit while I was locked down. I understand I am the one in orange and I am waiting for trial if I'm found guilty. In paying the consequences, I don't think it's right to pay extra punishment for using the resources provided to you by Park County Detention Center. It's not right that a person in a political seat as a Sargent display this behavior. I feel Disrespected, threatened, Bullied. I wrote a grievance on this matter towards Deputy J. Harris and on to Sheriff's department. I have yet to get an answer.

Was anyone else involved?

yes witnesses

Deputy Toohey	Deputy on floor
Richard Fountaine	inmate D1 unit
Lonnie Lewis	inmate D1 unit
Jacobsen Bierschenk	inmate D1 unit
RICHARD McCLOCKEY	inmate D1 unit

[Attach additional sheets of paper using the same format for additional claims.]

ADMINISTRATIVE PROCEDURES

PLEASE NOTE: Prisoners **must exhaust** administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Exhaustion of Administrative Remedies as to Claim One

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐
2. What was the result? denied
3. Did you appeal? ☒ Yes ☐ No
4. If you did appeal, what was the result? denied

- (d) If your answer is NO, explain why you did not file a grievance: _____

Exhaustion of Administrative Remedies as to Claim Two

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐
2. What was the result? no answer

3. Did you appeal? ☒ Yes ☐ No

4. If you did appeal, what was the result? no anser

(d) If your answer is NO, explain why you did not file a grievance: _____

[Attach additional sheets of paper using the same format for additional claims.]

RELIEF

State briefly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like justice. Every one guilty of wrong doing pay the consequences for there actions. I would like compensation for damiges done mentally, phisicly, finantually. I would like charges dropped that are needed to be dropped.

PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a ☒ Yes ☐ No
prisoner?

If yes, how many? 1

Number each different lawsuit below and include the following:

Name of case (including defendants' names), court, and docket number

Nature of claim made

How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Petition for Relief from a Conviction or Sentence
By a Person in State Custody (Petition Under 28
U.S.C. § 2254 for a Writ of Habeas Corpus)
Case No. 17-CV-004-S Rogelio Rodriguez vs.
Park County Detention Center and Wyoming
attorney General. In the United States
District Court for the District of Wyoming.
The petition for Writ of Habeas corpus by
Rogelio Rodriguez Jr. Petitioner is Dismissed
Without prejudice for lack of jurisdiction.
Park County has not made a final judgement
and sentence against Petitioner Rogelio Rodriguez Jr

PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the

cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the facts in this complaint are true to the best of my knowledge, information and belief. I understand if this certification is not correct, I may be sanctioned by the Court.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

January 13 2017
Dated

Rogelio Rodriguez Jr
Plaintiff's Signature

Rogelio Rodriguez Jr
Plaintiff's Printed Name (Last, First, MI)

Plaintiff's Prison Identification #

Park County Detention Center 1402 River view Dr Cody Wyoming 82414
Prison Address City State Zip Code

CERTIFICATION OF MAILING

I declare under penalty of perjury this Complaint was placed in the institutional mailing system or deposited with prison officials on the January, 2017
(month, day, year). I attest first-class postage has been prepaid.

Executed (signed) on January 13 2017. (date)


Signature of plaintiff

Rogelio Rodriguez Jr
PCDC
1402 River View Dr
Cody, WY 82414

LEGAL
MAIL



ADD
Postage
Please
Indigent

LEGAL
MAIL

CLERK, UNITED STATES DISTRICT COURT
2120 Capitol Ave., Room 2131
CHEYENNE, WY 82001